

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKHARD ROCK CAFE INTERNATIONAL
(USA), INC.,

Plaintiff,

v.

HARD ROCK HOTEL HOLDINGS, LLC,
HARD ROCK HOTEL, INC., HRHH IP, LLC,
MORGANS HOTEL GROUP CO., MORGANS
HOTEL GROUP MANAGEMENT, LLC,
MORGANS GROUP, LLC, DLJMB HRH
VOTECO, LLC, DLJ MB IV HRH, LLC, DLJ
MERCHANT BANKING PARTNERS IV, L.P.,
TURNER BROADCASTING SYSTEM, INC.,
BRAD LACHMAN PRODUCTIONS, INC. and
GENCO ENTERTAINMENT, INC.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/23/11

Case No. 10 CV 7244 (WHP)

**AMENDED STIPULATION
AND ORDER**

Plaintiff Hard Rock Cafe International (USA), Inc. ("HRCI") and Defendants Hard Rock Hotel Holdings, LLC, Hard Rock Hotel, Inc., HRHH IP, LLC (the "Hard Rock Defendants"), Morgans Hotel Group Management LLC and Turner Broadcasting System, Inc., Brad Lachman Productions, Inc. and Genco Entertainment, Inc.¹ (Plaintiff and all of the foregoing Defendants are referred to hereinafter collectively as the "Parties"), by and through their undersigned counsel, and pursuant to the Court's Order dated July 11, 2011 [Docket No. 60], hereby stipulate to various matters, including but not limited to an extension of certain deadlines set forth in the Scheduling Order entered on June 14, 2011, and agree that the following schedule of deadlines shall replace certain of the deadlines set forth in the prior Scheduling Order and shall govern the further conduct of pretrial proceedings in this case:

¹ Defendants Morgans Hotel Group Co., Morgans Group, LLC, DLJMB HRH VoteCo, LLC, DLJ MB IV HRH, LLC, DLJ Merchant Banking Partners IV, L.P. were all dismissed from this case by Order of this Court dated July 11, 2011 [Docket No. 61] and are not subject to the provisions of this stipulation and order.

1. Plaintiff and Defendants will pursue settlement discussions until at least September 2, 2011. To the extent no settlement is reached by September 2, 2011, Plaintiff and the Hard Rock Defendants will meet in person for a final settlement session on a mutually agreed date no later than September 14, 2011. If no settlement is reached through such discussions, then the Parties (including principals with settlement authority) shall appear for a mediation session with the Honorable Robert W. Sweet in New York on September 15, 2011 at 10:00 a.m.

2. Plaintiff's motion for leave to file the Second Amended Complaint shall be filed promptly by ECF no sooner than September 16 and no later than September 23, 2011 or three (3) business days after the Court approves this Stipulation, whichever is later, and shall be deemed served on all Defendants upon filing. Defendants' opposition to that motion, if any, shall be filed no later than twenty-one (21) days after the motion is filed. Such motion and any subsequent motions shall be governed by Rule 3 of this Court's Individual Practices.

3. If no settlement is reached, the Parties will begin exchanging their respective document productions on September 23, 2011, and shall complete their respective productions no later than November 23, 2011, provided that (a) the Parties shall make at least one substantial interim production on or about October 31, 2011; and (b) production of any documents relevant only to factual matters that are the subject of any pending motions may be deferred until the Court rules, but must be completed within forty five (45) days of any such ruling or by November 23, 2011, whichever is later.

4. The Parties shall submit letters by November 30, 2011 advising the Court and each other whether they intend to pursue expert discovery and, if so, identifying their experts and disclosing the subject of expert testimony.

5. All fact discovery shall be completed by February 15, 2012.

6. The Parties shall submit a joint pre-trial order in accord with this Court's Individual Practices by April 16, 2012.

7. The Court will hold a final pre-trial conference on May 4th, 2012 at 10:00 am.

[signature page follows]

SO STIPULATED:

Dated: New York, New York
August 19, 2011

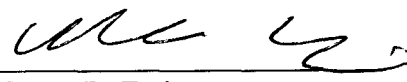
DEBEVOISE & PLIMPTON LLP

By: 

Jeremy Feigelson
Julie M. Calderon Rizzo
Matthew B. Harris
919 Third Avenue
New York, NY 10022
(212) 909-6000

*Attorneys for Hard Rock Defendants
and Morgans Hotel Group Management
LLC*

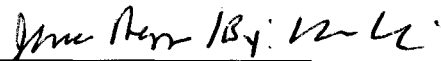
DORSEY & WHITNEY LLP

By: 

Bruce R. Ewing
Christopher Karagheuzoff
Gianfranco G. Mittrione
51 West 52nd Street
New York, New York 10019
(212) 415-9200

*Attorneys for Plaintiff Hard Rock Cafe
International (USA), Inc.*

SATTERLEE STEPHENS BURKE &
BURKE LLP

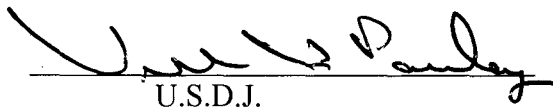
By: 

James F. Rittinger
James Regan
230 Park Avenue
Suite 1190
New York, New York 10169
(212) 818-9200

*Attorneys for the Defendants Turner
Broadcasting System, Inc., Brad
Lachman Productions, Inc. and Genco
Entertainment, Inc.*

SO ORDERED:

Dated: 8/22/11


U.S.D.J.